

**PHARMACY EXAMINING BOARD  
OCTOBER 19, 2005  
MINUTES**

- PRESENT:** Michael Bettiga, R.Ph.; John Bohlman, R.Ph.; Georgina Forbes, Charlotte Rasmussen; Cynthia Benning, R.Ph.; Fred Moskol, R.Ph.; Rich Verschay, R.Ph.
- STAFF:** Tom Ryan, Bureau Director; William Black, Legal Counsel; PJ Monson, Bureau Assistant
- GUESTS:** Leslie Santos, PSW; Darrin Wirkes, Target Stores; Brianne Bologa, UW School of Pharmacy, Clerkship; Gina Besteman, Women's International Pharmacy; Janelle Parent, Walgreens Pharmacy; Mixee Vang, Walgreens Pharmacy; Kerry Moskol, Quarles & Brady; Tom Engels, Pharmacy Society of Wisconsin; Jamie Statz Paynter, Dean Pharmacy; Sara Chellevold, Dean Pharmacy/UW Madison Pharmacy Student

**CALL TO ORDER**

Chair Michael Bettiga called the meeting to order at 9:09 a.m. A quorum of 7 was confirmed.

Mr. Bettiga welcomed Rich Verschay, R.Ph., to the Board.

**APPROVAL OF AGENDA**

**Additions:**

- After "B" – MPJE State-specific Review Meeting – January 2006
- Item "C" – Special Announcements: ISMP Teleconference
- Item "C" – Remedial Education Proposal, Eric Callisto, Administrator, Division of Enforcement
- Item "E" – Governor Doyle Vetoes Assembly Bill 207
- Between "E" – 2005 Assembly Bill 258
- Item "E" – 2005 Assembly Bill 683
- Item "H" – Chapter Phar 10 – Standards of Professional Conduct
- After "H" - 2005 Assembly Bill 722
- Item "K" – CAP Program – Wisconsin Licensure requirements
- Item "M" – Informational item: FPGEE, TOEFL and TSE Score Expirations Eliminated 8/11/05
- Item "M" – Informational item: NABP/AACP District IV
- After "U" – Pending Cases - DOE

**Items removed from Agenda:**

- Item "C" – Remedial Education Proposal, Eric Callisto, Administrator, Division of Enforcement

**MOTION:** Mr. Bohlman moved, seconded by Mr. Moskol, to approve the agenda with additions. Motion carried unanimously.

## **APPROVAL OF MINUTES**

**MOTION:** Ms. Benning moved, seconded by Mr. Moskol, to approve the April 12, 2005 Consultation Subcommittee minutes. Motion carried unanimously.

**MOTION:** Ms. Benning moved, seconded by Mr. Moskol, to approve the September 6, 2005 Consultation Subcommittee minutes. Motion carried unanimously.

### **Amendments to the Minutes:**

- Page 6 of 11 – the variance was granted to Neighborcare, not Attorney Schuster

**MOTION:** Ms. Benning moved, seconded by Mr. Bohlman, to approve the September 7, 2005 Board Meeting minutes with amendment. Motion carried unanimously.

**MOTION:** Ms. Benning moved, seconded by Ms. Rasmussen, to approve the September 15, 2005 teleconference minutes. Motion carried unanimously.

## **MPJE WORKSHOP – JANUARY 2006**

**MOTION:** Ms. Benning moved, seconded by Ms. Rasmussen, to approve John Bohlman, wife Mary Pat Bohlman and William Black, with Cindy Benning as an alternate, to attend the MPJE Workshop. Motion carried unanimously.

## **PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS RECEIVED IN THE BUREAU AFTER PREPARATION OF THE AGENDA**

### **ROBERT KUNDE, R.PH.**

Attorney Jeanette Lytle, Division of Enforcement, appeared before the Board to present the stipulation in the matter concerning Robert Kunde, R.Ph.

## **QUALITY ASSURANCE – DISCUSSION**

Tom Ryan addressed the Board regarding the documentation included in the agenda. Ms. Benning reiterated the Board's concern and interest in quality of care issues that may not be addressed in the ordinary course of the disciplinary process. The Board discussed possible changes to the current process. Mr. Ryan was asked to explore resources that may assist the Board in advancing this project.

## **ADMINISTRATIVE REPORT**

Secretary Jackson welcomed the Board to the new space and welcomed comments and suggestions from the Board members with a reminder of her open door policy.

## **2006 Hotel Policy**

Tom Ryan described the Department's new hotel policy for the remainder of 2005 and 2006.

## **Building Renovation**

Mr. Ryan reviewed changes brought about by the move to the new location, including building security improvements. He also requested comments and suggestions from the members.

## **SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION**

Noted.

## **2005 Assembly Bill 258 – Board Review**

Mr. Bohlman questioned the legality under Federal Law the branding of generics in Wisconsin. Ms. Rasmussen will keep the board updated on AB 258 as part of her legislative report.

## **2005 Assembly Bill 683**

**MOTION:** Mr. Bohlman moved, seconded by Ms. Benning, to appoint Cindy Benning and/or John Bohlman to work with William Black to make changes to 450.01 to remove section 42 and 48, to amend 450.01 (16) at line 18 to end at Medical Staff and make this same change to section 47. Ms. Benning and/or John Bohlman will also carry on active discussion with the legislature. Motion carried unanimously.

## **UPDATE ON DISASTER PREPAREDNESS/TEMPORARY RELOCATION LEGISLATIVE PROPOSAL**

**MOTION:** Mr. Bohlman moved, seconded by Ms. Benning, to affirm that the Pharmacy Examining Board is in support of 450.02 (3m) in its current form as written. Motion carried unanimously.

Ms. Rasmussen and Mr. Ryan will deliver the Board's message to the legislature.

## **WIS. ADMIN. CODE § 7.04 – RETURN OR EXCHANGE OF HEALTH ITEMS**

**MOTION:** Mr. Bohlman moved, seconded by Mr. Moskol, to adopt Wis. Admin. Code § 7.04. Motion carried unanimously.

## **WIS. ADMIN. CODE § 10.03(7) AND 10.03(7m) – DISCUSSION**

The history of Wis. Admin. Code § 10.03 (7) and (7m) was discussed. Conflicts between pharmacists and pharmacies has come to the Board's attention as it pertains to reporting. The Board discussed possible action taken when confidential settlements are made between insurance companies and patients with no complaint filed with DOE. Attorney Jeanette Lytle, Division of Enforcement, joined the Board to add to the discussion. Ms. Lytle reported that DOE may open

a case based on any type of notification, not necessarily solely based on a filed complaint. The screening committee has the ability to incorporate quality assurance at the time of initial screening.

### **VARIANCE REQUEST**

#### **AURORA PHARMACY #8228 MICHAEL BOHRNSTEDT R.PH – MARINETTE, WI**

**MOTION:** Mr. Bohlman moved, seconded by Mr. Moskol, to grant the variance in current format provided the reference to FDA is corrected to DEA on page 7 of the request for Aurora Pharmacy #8228, Marinette, WI. Motion carried unanimously.

### **PRACTICE QUESTION**

#### **COLUMBIA - ST. MARY'S**

The Board agreed that as long as these drugs are used for patients on site and does not leave the premises, this is considered in-patient distribution.

#### **NORIDIAN ADMINISTRATIVE SERVICES, LLC**

Noridian will be required to obtain a distributor license. Mr. Black will contact Noridian confirming this requirement.

### **LICENSING LIAISON REPORT**

Noted.

### **DEA DRUG THEFT AND LOSS REPORTS**

**MOTION:** Mr. Bohlman moved, seconded by Ms. Forbes, to request the DEA reports include if the employee involved in the pilferage is a DRL credential holder and if so what action has been taken, starting with the August report. Motion carried unanimously.

### **PAIN MANAGEMENT STATEMENT**

Mr. Bohlman reported that the pain management statement should be available for the December meeting.

### **INFORMATIONAL ITEMS**

Noted.

### **CLOSED SESSION**

**MOTION:** Ms. Benning moved, seconded by Ms. Rasmussen, to convene to closed session to deliberate on case(s) following hearing (Wis. Stat. § 19.85

(1)(a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b) and 440.205); to consider individual histories or disciplinary data ( Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll Call Vote: Charlotte Rasmussen-yes; John Bohlman-yes; Georgina Forbes-yes; Michael Bettiga-yes; Cynthia Benning-yes; Fred Moskol-yes; Rich Verschay - yes. Motion carried unanimously.

The Board convened into Closed Session at 12:00 p.m.

**RECONVENE TO OPEN SESSION TO VOTE ON ITEMS  
DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Ms. Forbes moved, seconded by Ms. Benning, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 1:35 p.m.

**DELIBERATION OF STIPULATIONS, FINAL  
DECISIONS AND ORDERS**

**ROBERT KUNDE, R.PH.**

**MOTION:** Mr. Bohlman moved, seconded by Ms. Rasmussen, to adopt the proposed stipulation, findings of fact, conclusions of law and order in the matter of the disciplinary proceedings against Robert Kunde, R.Ph. Motion carried unanimously. Ms. Benning abstained

**DOE MONITORING**

**ANDREW RICE, R.PH.**

**MOTION:** Ms. Benning moved, seconded by Mr. Bohlman, to approve the stay of suspension until November 9, 2005 and issue full reinstatement of licensure effective November 9, 2005 for Andrew Rice, R.Ph. Motion carried unanimously. Mr. Bettiga abstained.

**MICHAEL O'KRAY, R.PH.**

**MOTION:** Mr. Bohlman moved, seconded by Ms. Benning, to grant a three month stay and increase Pharmacist In Charge hours to 24 with no consecutive open and close, elimination of required therapy and increase AA to twice a weekly with attendance records submitted to department monitor required quarterly. Continue UA screens at 24 per year for Michael O'Kray, R.Ph. Motion carried unanimously.

**THOMAS PIRE, R.PH.**

**MOTION:** Mr. Benning moved, seconded by Ms. Rasmussen, to grant three month stay and reduce therapy to twice monthly for Thomas Pire, R.Ph. Motion carried unanimously.

**THOMAS TRISCARI, R.PH.**

**MOTION:** Mr. Moskol moved, seconded by Ms. Benning, to grant a three month stay, reduce UA's to 1 weekly and reduce therapy to twice monthly under the condition that Thomas Triscari, R.Ph., not practice pharmacy. Motion carried unanimously.

**JOHN SCHMITT, R.PH.**

**MOTION:** Mr. Bohlman moved, seconded by Ms. Benning, to grant a three month stay and deny requested modifications for John Schmitt, R.Ph. Motion carried unanimously. Mr. Bettiga abstained.

**CHARLENE WILLIS, R.PH.**

**MOTION:** Mr. Bohlman moved, seconded by Ms. Rasmussen, to grant three month stay and change therapy to once quarterly for Charlene Willis, R.Ph. Motion carried unanimously.

**CASE CLOSING**

**04-PHM-083**

**MOTION:** Ms. Rasmussen moved, seconded by Mr. Bohlman, to close case # 04 PHM 083 for prosecutorial discretion (P2). Motion carried unanimously.

**VALIDATION OF EXAM SCORES**

Mr. Tichenor reported that 17 examinations were given on October 18. Sixteen passed, 1 failed.

**MOTION:** Ms. Benning moved, seconded by Mr. Moskol, to validate the exam scores of October 18, 2005. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Ms. Benning moved, seconded by Mr. Moskol, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:40 p.m.

**Next Meeting: December 7, 2005**